

MICHIGAN DEPARTMENT OF STATE POLICE  
MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS  
LAW ENFORCEMENT STANDARDS AND TRAINING

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the Michigan commission on law enforcement standards by section 9 of 1965 PA 203, by section 9 of 1965 PA 380, and by Executive Reorganization Order 2001-2, MCL 28.621.)

R 28.4101, R 28.4102, R 28.4102a, R 28.4103, R 28.4104, R 28.4105, R 28.4106, R 28.4107, R 28.4108, R 28.4109, R 28.4110, R 28.4111, R 28.4112, R 28.4113, R 28.4114, R 28.4115, R 28.4116, R 28.4117, R 28.4118, R 28.4119, R 28.4120, R 28.4121, R 28.4151, R 28.4152, R 28.4153, R 28.4154, R 28.4155, R 28.4156, R 28.4157, R 28.4158, R 28.4159, R 28.4160, R 28.4161, R 28.4162, R 28.4163, R 28.4164, R 28.4165, R 28.4166, R 28.4167, R 28.4168, R 28.4169, R 28.4170, R 28.4171, R 28.4172, R 28.4173, R 28.4174, R 28.4175, and R 28.4199 of the Michigan Administrative Code are rescinded, and R 28.14101, R 28.14102, R 28.14103, R 28.14201, R 28.14202, R 28.14203, R 28.14204, R 28.14205, R 28.14206, R 28.14207, R 28.14208, R 28.14209, R 28.14210, R 28.14401, R 28.14402, R 28.14403, R 28.14404, R 28.14405, R 28.14406, R 28.14407, R 28.14408, R 28.14409, R 28.14410, R 28.14411, R 28.14412, R 28.14413, R 28.14414, R 28.14501, R 28.14502, R 28.14503, R 28.14504, R 28.14505, R 28.14506, R 28.14507, R 28.14508, R 28.14509, R 28.14510, R 28.14511, R 28.14512, R 28.14513, R 28.14514, R 28.14515, R 28.14516, R 28.14517, R 28.14601, R 28.14602, R 28.14603, R 28.14604, R 28.14605, R 28.14606, R 28.14607, R 28.14608, R 28.14609, R 28.14701, and R 28.14702 are added to the Michigan Administrative Code as follows:

**R 28.4101 ~~Definitions.~~ Rescinded.**

**Rule 1. (1) ~~As used in these rules:~~**

(a) ~~"Act" means Act No. 203 of the Public Acts of 1965, as amended, being §28.601 et seq. of the Michigan Compiled Laws.~~

(b) ~~"Candidate" means a person seeking employment as a sworn police officer empowered to enforce the general criminal statutes of this state.~~

(c) ~~"Certification examination" means the examination administered by the council at the completion of the basic and preservice training programs to determine whether a trainee has attained the minimum competencies required for certification.~~

(d) ~~"Chief hearing officer" means a person who regulates the hearing proceedings when more than 1 hearing officer is designated.~~

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(e) "~~Certified as a police officer~~" means a person who has met all selection, employment, training, or waiver of training standards and who is approved by the training council or pursuant to the act to exercise the authority of a police officer.

(f) "~~Contested case~~" means a proceeding as defined by Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

(g) "~~Employment~~" means the offering of a service or labor as a law enforcement officer in exchange for monetary compensation at not less than the federal minimum wage established in the Fair Labor Standards Act of 1938, as amended; 29 U.S.C. §206.

(h) "~~Examination~~" means a job-related examination developed in conformance with the professional standards of the American psychological association, division of industrial-organizational psychology, and all applicable federal and state laws.

(i) "~~Full police powers~~" means an individual has the authority to enforce the general criminal laws of the state.

(j) "~~Hearing officer~~" means a person responsible for conducting hearings on matters within the agency's jurisdiction.

(k) "~~Other organization~~" means an agency which is not a political subdivision of the state and which operates a law enforcement agency as a result of legislative authorization.

(l) "~~Police force~~" means a body of sworn police officers entrusted by the state, a political subdivision of the state, or legislatively authorized agency to maintain public peace and order, enforce the law, and prevent and detect crime.

(m) "~~Test battery~~" means the council's job-related, pre-employment examinations designed to assess reading and writing skills and physical performance skills.

(2) The terms defined in the act have the same meanings when used in these rules.

#### R 28.4102 Non-medical selection qualifications. **Rescinded.**

—Rule 2. A person selected to become a law enforcement officer pursuant to the provisions of the act shall meet all of the following requirements:

(a) Be a citizen of the United States.

(b) Have attained the minimum age as established by the hiring agency, which shall not be less than 18 years of age or as otherwise provided by law.

(c) Have obtained a high school diploma or have attained a passing score on the general education development test indicating a high school graduation level.

(d) Have no prior felony convictions.

(e) Possess good moral character as determined by a favorable comprehensive background investigation covering school and employment records, home environment, and personal traits and integrity. Consideration will be given to all law violations, including traffic and conservation law convictions, as indicating a lack of good character.

(f) Possess a valid Michigan motor vehicle operator's or chauffeur's license.

(g) Read and write at a level necessary to perform the job of a law enforcement officer as determined by passing the council's examination designed to test these skills or by passing an agency-certified examination as specified in R 28.4108(d). The provisions of this subdivision do not apply to any of the following persons:

(i) Any person certified pursuant to the provisions of the act.

(ii) Any person qualifying for a waiver of training pursuant to the provisions of the act.

~~(iii) Any fire fighter who is employed by a political subdivision of the state and who is required to become a law enforcement officer as a condition of employment resulting from the consolidation of police and fire services.~~

~~(h) Demonstrate physical ability at a level necessary to perform the job of a law enforcement officer as determined by passing the council's examination designed to test physical performance skills or by passing an agency certified examination as specified in R 28.4108(d). The provisions of this subdivision do not apply to any of the following persons:~~

~~(i) Any person certified pursuant to the provisions of the act.~~

~~(ii) (ii) Any person qualifying for a waiver of training pursuant to the provisions of the act.~~

~~(iii) Any fire fighter who is employed by a political subdivision of the state and who is required to become a law enforcement officer as a condition of employment resulting from the consolidation of police and fire services.~~

~~(i) Test negative on a test prescribed by the council that is designed to detect the illicit use of controlled substances. A candidate who tests positive or refuses to submit to a test shall not be eligible for training or certification for 2 years after a positive test or the refusal to submit to the test.~~

~~(j) Successfully complete the basic police training curriculum at a council approved school.~~

~~(k) Take and attain a passing score on the council's certification examination within 1 year of the completion of training. In the event of failure on the examination, 1 retest will be allowed within the same 1 year period. Failure on the retest will result in the need to repeat successfully the basic training program to again be eligible to take the certification examination.~~

~~(l) The standards of the American psychological association that are contained in the publication entitled "Principles for Validation and Use of Personnel Selection Procedures", third edition, 1987, are adopted by reference in these rules. Copies of these standards may be inspected at the offices of the Michigan law enforcement officers training council and may be purchased from the American Psychological Association, 1200 17th Street N.W., Washington, DC 20036, or from the Michigan Law Enforcement Officers Training Council, State Police Training Academy, 7426 N. Canal Road, Lansing, Michigan 48913, at a cost as of the time of adoption of these rules of \$4.00 each.~~

**R 28.4102a Medical selection qualifications. Rescinded.**

~~—Rule 2a. A person selected to become a law enforcement officer pursuant to the provisions of the act shall meet all of the following medical requirements:~~

~~—(a) Possess normal color vision and normal visual functions and acuity in each eye corrected to 20/20. Normal color vision shall be determined by testing the unaided eye and passing any of the following color vision tests:~~

~~—(i) Pseudoisochromatic plates, such as any of the following:~~

~~—(A) Ishihara.~~

~~—(B) American optical Hardy Rand Ritler.~~

~~—(C) Tokyo medical college.~~

~~—(ii) Panel tests, such as the Farnsworth dichotomous D-15 test.~~

~~—(iii) Any test designed and documented to identify extreme anomalous trichromatic and dichromatic color vision.~~

~~—(b) Hear at a level necessary to perform the job of a law enforcement officer as determined by complying with the provisions of subdivision (c) of this rule. Throughout the testing specified in the provisions of subdivision (c) of this rule, the intensity of auditory stimuli shall be expressed in decibels relative to a normal hearing level as defined by the American national standards institute S3.6-1989. This standard is adopted by reference in these rules and is available for inspection at the offices of the Michigan Law Enforcement Officers Training Council, 7426 North Canal Road, Lansing, Michigan 48913. The testing shall be performed by either of the following persons:~~

~~—(i) An audiologist at a hearing clinic accredited by the professional services board of the American speech-language-hearing association.~~

~~—(ii) An audiologist who has a certificate of clinical competence. The audiologist shall be licensed, if applicable.~~

~~—(c) Comply with 1 of the following provisions:~~

~~—(i) Have unaided testing done on each ear that results in pure tone air conduction sensitivity thresholds for each ear, as shown on the pure tone audiogram, of not poorer than a hearing level of 20 decibels at any of the following frequencies: 500, 1,000, 2,000, 3,000, and 4,000 hertz.~~

~~—(ii) Have the following unaided testing performed on each ear:~~

~~—(A) A 4 frequency average pure tone sensitivity threshold for each ear, as derived from the pure tone air conduction audiogram at 500, 1,000, 2,000, and 3,000 hertz, of not poorer than a hearing level of 25 decibels with a hearing threshold level at any single frequency of not poorer than 35 decibels. In addition, the sensitivity threshold at 4,000 hertz shall not be greater than 45 decibels.~~

~~—(B) Speech recognition shall be measured under audiometric earphones and the scores shall be 90% or better in each ear at 50 decibels in quiet, using full lists of recorded phonetically balanced words that are age appropriate.~~

~~—(C) The speech recognition score for both ears measured at the same time in an audiometric sound field shall be 70% or better at a plus 5 decibel signal-to-noise ratio. For this measurement, speech stimuli and competing speech noise shall be presented through the same loudspeaker, or 2 loudspeakers stacked vertically, at zero degree azimuth. Speech stimuli shall be presented at 50 decibels using a full list of recorded phonetically balanced words that are age appropriate.~~

~~—(iii) Have all testing that is performed in all of the following subparagraphs done with 1 or both ears aided:~~

~~—(A) The average aided hearing levels, as derived from sound field measures for the frequencies 500, 1,000, 2,000, and 3,000 hertz in each ear, shall not be poorer than a hearing level of 25 decibels and any single frequency shall not be poorer than 35 decibels. The aided hearing level for 4,000 hertz shall be not poorer than 45 decibels in either ear. Measurements shall be made monaurally in an audiometric sound field with the unaided (nontest) ear plugged or, when necessary, effectively masked. Test signals shall consist of either frequency specific modulated tones or narrow band noise presented through a loudspeaker at zero degree azimuth, and results shall be expressed as aided hearing levels.~~

~~—(B) Aided speech recognition scores shall be 90% or better in each ear. Testing shall be administered at 50 decibels in quiet using full lists of recorded phonetically balanced words that are age appropriate. Measurements shall be made monaurally in an audiometric sound~~

field with the loudspeaker at zero degree azimuth and the unaided (nontest) ear plugged or, when necessary, effectively masked.

—(C) The aided speech recognition score for both ears measured at the same time in the audiometric sound field shall be 70% or better at a plus 5 decibel signal to noise ratio. For this measurement, either 1 or both ears shall be fitted with a hearing aid, and, where only 1 ear has been fitted with a hearing aid, the unaided ear shall not be plugged or masked. For this measurement, speech stimuli and competing speech noise shall be presented through the same loudspeaker, or 2 loudspeakers stacked vertically, at zero degree azimuth. Speech stimuli shall be presented at 50 decibels using a full list of recorded phonetically balanced words that are age appropriate.

Testing shall be done not sooner than 30 days after the fitting of a hearing aid or aids.

—(d) Be free from any other impediment of the senses, physically sound, in possession of his or her extremities, and well developed physically with height and weight in relation to each other as indicated by accepted medical standards.

—(e) Be free from any of the following which may tend to impair the efficient performance of a law enforcement officer's duties or which might endanger the lives of others or the law enforcement officer:

- (i) Physical defects.
- (ii) Chronic diseases.
- (iii) Organic diseases.
- (iv) Organic or functional conditions.
- (v) Mental and emotional instabilities.

#### R 28.4103 Hiring agency responsibilities. **Rescinded.**

—Rule 3. Before sending a person to a council approved school, the hiring agency shall do all of the following:

(a) Cause the applicant to be examined by a licensed physician to determine that the applicant meets the standards set forth in R 28.4102a. A declaration of the applicant's medical history shall be made available to the examining physician and shall become a part of the background investigation. A determination of compliance with the provisions of R 28.4102a(e)(v) may be made by a licensed psychologist.

(b) Cause the applicant to be fingerprinted and a search to be made of appropriate state or federal fingerprint files to disclose any criminal record.

(c) Conduct an oral interview to determine the applicant's acceptability for a police officer position and to assess appearance, background, and ability to communicate.

(d) Certify that the prospective trainee meets the minimum employment standards set forth in R 28.4102(a) to (i).

#### R 28.4104 Forms. **Rescinded.**

—Rule 4. Form TC-01, entitled "Application for Enrollment In A Certified Academy" shall be completed and forwarded to the appropriate school coordinator before a person will be allowed to attend a council approved school.

#### R 28.4105 Practices and standards. **Rescinded.**

—Rule 5. Recruitment and employment practices and standards shall comply with the law applicable to police officer employment.

**R 28.4106 Physical performance examination prerequisite. Rescinded.**

~~—Rule 6. Before participation in the council's physical performance test, the candidate shall present a licensed physician's signed statement, to the council or its designated representative, indicating that the candidate received a health screening by a physician and that the candidate is physically able to perform the test events without undue risk to the candidate. The candidate's health screening shall be within the 90-day period before the candidate's participation in the physical performance examination.~~

**R 28.4107 Council-approved test centers. Rescinded.**

~~—Rule 7. The council's test battery shall be administered at approved regional test centers to which a candidate shall apply. Test centers shall be subject to the supervision and control of the council.~~

**R 28.4108 Council test battery results. Rescinded.**

~~—Rule 8. The following provisions apply to the council test battery results:~~

- ~~(a) Test results shall be reported by the council to each candidate.~~
- ~~(b) A candidate shall pass the test battery to be eligible for employment as a law enforcement officer. When a candidate passes the test battery, the reading and writing test score shall be valid for 3 years and the physical performance test score shall be valid for 1 year from the date of the examination. If a candidate is placed on a hiring authority's certified employment list or roster for a law enforcement officer position within 1 year from the date of examination, the physical performance test score shall be valid for 2 years from the date of the examination. The employment list is not transferable to another employing agency.~~
- ~~(c) If a candidate fails either 1 or both examinations of the council's test battery, the candidate shall be eligible to retake the failed examination or examinations.~~
- ~~(d) A governmental agency, or its agent, may administer a reading and writing examination or physical performance skills examination if the agency certifies, in writing to the council, that the examinations are in compliance with the definition of "examination" set forth in R 28.4101(h). The council may request that additional written documentation be submitted by a governmental agency, or its agent, to establish that the examination or examinations are in compliance with the provisions of R 28.4101(h). The results of the examinations shall serve to satisfy the requirements of R 28.4102(g) and (h) and apply only to a candidate who seeks employment with the administering governmental agency. The test results will be valid for the same time periods specified in subdivision (b) of this rule.~~

**R 28.4109 Testing program and contested case hearings manual. Rescinded.**

~~—Rule 9. The council shall prepare and publish a manual, consistent with these rules, which shall govern the implementation and administration of the approved testing program, as well as procedures for conducting contested case hearing.~~

**R 28.4110 Contested cases; compliance conferences and hearings. Rescinded.**

~~—Rule 10. (1) Compliance conferences and administrative hearings in contested cases shall be governed by these rules and by Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.~~

~~(2) The rules of practice as applied in a non-jury civil case in circuit court shall be followed as far as practicable, but shall not be mandatory in a contested case.~~

**R 28.4111 Complaint. Rescinded.**

~~—Rule 11. A complaint on a council policy or procedure shall be in writing, signed by the person making it, and filed with the council. A complaint is not open to public inspection until its validity is ascertained.~~

**R 28.4112 Violations of act; investigations; complaints. Rescinded.**

~~—Rule 12. The council or the executive secretary may authorize investigations and may issue complaints and schedule hearings for apparent violations of the act.~~

**R 28.4113 Issuance of ex parte order denying right or privilege. Rescinded.**

~~—Rule 13. (1) After an investigation of a complaint has been conducted, the council or executive secretary may issue an ex parte order denying a right or privilege granted by the act based upon the findings of the investigation. Thereafter, contested proceedings shall be promptly commenced and decided.~~

~~—(2) The taking of emergency action shall not affect the impartiality of the council in its receipt and consideration of the evidence.~~

**R 28.4114 Contested cases; appointment of hearing officer; chief hearing officer. Rescinded.**

~~—Rule 14. (1) The council chairperson shall appoint a person or persons to be a hearing officer.~~

~~—(2) When 2 or more persons are appointed as hearing officers for a contested case, the council chairperson shall designate a chief hearing officer.~~

**R 28.4115 Contested cases; notice of hearing. Rescinded.**

~~—Rule 15. (1) Notice of a contested case hearing shall be given by personal service, registered mail, or such other method as may be permitted by law.~~

~~(2) Notice of a hearing shall be served not less than 20 days before the hearing.~~

**R 28.4116 Contested cases; answers and amendments. Rescinded.**

~~—Rule 16. (1) A respondent in a contested case shall file an answer to the complaint not less than 10 days before the hearing. This requirement may be waived by the council or executive secretary for good cause.~~

~~—(2) A complaint may be amended at any time. The respondent shall be given sufficient time to prepare a defense if the charges are amended substantially.~~

**R 28.4117 Contested cases; appearances at hearing. Rescinded.**

~~—Rule 17. (1) An appearance at a contested case hearing shall be made in person, by a duly authorized agent, or by counsel.~~

~~—(2) If the person or persons who have been served with a notice of hearing fail to appear at the hearing, the council may proceed with the hearing on the evidence presented and make a decision.~~

R 28.4118 ~~Contested cases; adjournment or continuance of hearing.~~ **Rescinded.**

~~—Rule 18. A contested case hearing may be adjourned or continued at the direction of the chief hearing officer. A request for an adjournment shall be in writing and filed with the council not less than 5 days before the date of the hearing, unless good cause can be shown for failure to file within the 5-day limit. Notice of action on the request for adjournment shall be given to the parties.~~

R 28.4119 ~~Contested cases; stipulations.~~ **Rescinded.**

~~—Rule 19. The parties to any contested case hearing before the council may, by stipulation in writing filed with the council, agree upon the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence at the hearing. Parties are requested to agree upon the facts when practicable.~~

R 28.4120 ~~Contested cases; depositions.~~ **Rescinded.**

~~—Rule 20. Depositions in contested case proceedings shall only be taken upon written authority of the hearing officer when it appears that it is impractical or impossible to otherwise obtain the evidence. Where depositions are permitted, they shall be taken according to the Michigan rules of court for taking depositions in civil cases in the state of Michigan, being Rule 2.304 et seq., and all parties shall be given an opportunity to cross-examine the deponent under oath.~~

R 28.4121 ~~Contested cases; decision.~~ **Rescinded.**

~~—Rule 21. The contested case decision of the hearing officer is final. The respondent shall be notified in writing of the officer's decision within 14 days after the close of the hearing. The notice shall include the findings of fact and the conclusions based on the law.~~

## ~~DEPARTMENT OF STATE POLICE~~

### ~~LAW ENFORCEMENT OFFICERS TRAINING COUNCIL~~

#### ~~MICHIGAN LAW ENFORCEMENT OFFICER RECERTIFICATION~~

~~(By authority conferred on the law enforcement council by section 9 of Act No. 203 of the Public Acts of 1965, as amended, being R. 28.609, R 28.4201—R 28.4206, rescinded by R 28.4199 of the Michigan Compiled Laws)~~

R 28.4151 ~~Definitions.~~ **Rescinded.**

~~Rule 1. (1) As used in these rules:~~

~~(a) "Act" means Act No. 203 of the Public Acts of 1965, as amended, being §28.601 et seq. of the Michigan Compiled Laws.~~

~~(b) "Basic police training program" means the program of studies defined in R 28.4360 to R 28.4366.~~



- (c) ~~"Certified as a police officer" means a person who has met all selection, employment, training, or waiver of training standards and who is approved by the training council or pursuant to the act to exercise the authority of a police officer.~~
- (d) ~~"Chief hearing officer" means a person who regulates the hearing proceedings when more than 1 hearing officer is designated.~~
- (e) ~~"Contested case" means a proceeding as defined by Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.~~
- (f) ~~"Employment" means the offering of a service of labor as a law enforcement officer in exchange for monetary compensation at not less than the federal minimum wage established in the fair labor standards act of 1938, as amended (29 U.S.C. §206, et seq).~~
- (g) ~~"Full police powers" means an individual has the authority to enforce the general criminal statutes of the state.~~
- (h) ~~"General criminal laws" means laws that classify an action as a misdemeanor or felony punishable by fine or imprisonment and have general applicability as opposed to regulation of a particular class.~~
- (i) ~~"Hearing officer" means a person responsible for conducting hearings on matters within the agency's jurisdiction.~~
- (j) ~~"Minimum employment standards" means the recruitment, selection, training, and appointment standards defined in R 28.4102 to R 28.4108.~~
- (k) ~~"Other organization" means an agency which is not a political subdivision of the state and which operates a law enforcement agency as a result of legislative authorization.~~
- (l) ~~"Police force" means a body of sworn police officers entrusted by the state, a political subdivision of the state, or legislatively authorized agency to maintain public peace and order, enforce the law, and prevent and detect crime.~~
- (m) ~~"Re-certified as a law enforcement officer" means a person who has completed all the requirements for recertification.~~
- (n) ~~"Standard setting agency" means a state agency authorized by statute to promulgate training and employment rules for the certification of law enforcement officers.~~
- (2) ~~The terms defined in the act have the same meanings when used in these rules.~~

**R 28.4152 Waiver of training program; application. Rescinded.**

~~Rule 2. An employing agency or a person who was certified as a police officer by an appropriate state standard setting agency in Michigan or another state is required to submit a letter requesting an application for enrollment in a waiver of training program to be considered for a waiver of training test.~~

**R 28.4153 Waiver of training program; candidate qualifications. Rescinded.**

~~Rule 3. (1) A person previously certified as a police officer in Michigan shall meet all of the following requirements to qualify for admission to the waiver of training program:~~

- ~~(a) Discontinuance of employment as a police officer for a period of time in excess of that provided for in section 9 (1)(d)(i)(ii) or (iii) of the act.~~
- ~~(b) Can reasonably expect to meet the minimum employment requirements of R 28.4102, except for sections (j), (k), (l), and (m).~~
- ~~(c) Have currently secured or anticipates employment within 12 months of the start of training or taking the test, whichever occurs first.~~

~~(2) A person who is or was certified as a police officer, as defined in another state, shall meet all of the following requirements to qualify for admission to the waiver of training program:~~

- ~~(a) Complete a state-recognized basic training program or be employed before the establishment of training standards.~~
- ~~(b) Have been employed as a police officer for a minimum of 1 year.~~
- ~~(c) Can reasonably expect to meet the current minimum employment standards of R 28.4102, except for sections (j), (k), (l), and (m).~~
- ~~(d) Have currently secured or anticipates employment within 12 months of the start of training or taking the test, whichever occurs first.~~
- ~~(e) If unemployed as a law enforcement officer, the separation shall have been under such conditions which qualify the person for rehiring in that state unless that training standard exceeds Michigan's.~~

~~(3) A person previously certifiable based on compliance with pre-service requirements shall meet all of the following requirements to qualify for admission to the waiver of training program:~~

- ~~(a) Pass the council's physical performance skills test.~~
- ~~(b) Pass the council's reading and writing skills test.~~
- ~~(c) Can reasonably expect to meet the current minimum employment standards (a) to (i) in R 28.4102.~~

**R 28.4154 Waiver of training program; time for completion; extension. Rescinded.**

- ~~Rule 4. (1) A candidate authorized to attend the waiver of training program shall attend the training and pass the required tests within 3 months of receiving approval to enroll.~~
- ~~(2) A candidate who does not complete the program within 3 months of approval to enroll shall submit a new application.~~
- ~~(3) For good cause, council staff may waive the time requirements and grant one 3 month extension.~~

**R 28.4155 Waiver of training program; hours; content and scope; modification. Rescinded.**

~~Rule 5. (1) The waiver of training program shall be not less than 40 hours. At a minimum, the content and scope of the program shall include all of the following areas:~~

- ~~(a) Criminal law and procedures.~~
- ~~(b) Motor vehicle traffic code and related statutes.~~
- ~~(c) Firearm proficiencies with a hand gun and familiarization with a shotgun.~~
- ~~(d) Defensive tactics.~~
- ~~(e) First aid training.~~
- ~~(f) Precision driving.~~
- ~~(g) Written and performance tests.~~

~~(2) The content and scope of the waiver of training program may be modified as conditions warrant.~~

**R 28.4156 Competence and performance examinations. Rescinded.**

~~Rule 6. (1) Written examinations shall be administered by the council staff to determine the candidate's competence in the functional areas defined in the basic police training program.~~

~~(2) Performance examinations may be administered for firearms, defensive tactics, precision driving, and other skills.~~

~~(3) Competency shall be demonstrated on each test to successfully complete the waiver of training program.~~

~~R 28.4157 Retests; limitations; failure. **Rescinded.**~~

~~Rule 7. (1) A written test or skill performance test may be retaken at a time and place that is mutually agreeable by applicant and council staff.~~

~~(a) All retests shall be at the expense of the applicant.~~

~~(2) A person who fails the written test or the performance test, or both, is limited to one written and performance retest within the time limits provided in R 28.4154.~~

~~(3) A person who fails a retest shall be required to successfully complete the Michigan basic police training program to be employed as a law enforcement officer.~~

~~R 28.4158 Responsibilities of employing agency. **Rescinded.**~~

~~Rule 8. Before employing a candidate who has passed the waiver of training program, the employing agency shall do all of the following:~~

~~(a) Fulfill the requirements of R 28.4103, except as otherwise specified in these rules.~~

~~(b) Notify the council, in writing, of its intent to employ a candidate who has passed the waiver of training program.~~

~~(c) Submit forms which are prepared and furnished by the council and which detail documented compliance with employment and training rules.~~

~~R 28.4159 Recertification. **Rescinded.**~~

~~Rule 9. Upon completion of the recertification process, which includes passing the waiver of training tests and employment as a law enforcement officer, the candidate shall be classified as a re-certified law enforcement officer.~~

~~R 28.4160 Organizations presenting waiver programs; minimum instructor qualifications. **Rescinded.**~~

~~Rule 10. (1) Any organization that has been approved by the council to present the basic police training program may apply to present the waiver of training program. The council may solicit additional organizations.~~

~~(2) The minimum qualifications for instructing in the waiver of training program are the same as those prescribed for the basic police training program.~~

~~R 28.4161 Training costs; reimbursement by council. **Rescinded.**~~

~~Rule 11. (1) The costs for tuition and supplies shall be paid by the employing agency or, if not employed by an agency, by the individual.~~

~~(2) The council may reimburse an employing agency for tuition, supplies, and live-in costs on a prorated basis of what is currently paid for those attending the basic police training program.~~

~~R 28.4162 Expiration of waiver; extension. **Rescinded.**~~

~~Rule 12. (1) The waiver of training shall expire 12 months after the start of the training program or taking the waiver test, whichever occurs first, unless the person is regularly~~

employed as a Michigan police officer or the employing agency certifies to the council that all selection qualifications listed in R 28.4102, except subsections (j), (k), (l), and (m) have been met.

~~(2) For good cause, the Executive Secretary may waive the time requirements and grant one 3-month extension.~~

**R 28.4163 Program manual. Rescinded.**

~~Rule 13. The council shall prepare and publish a manual which is consistent with these rules and which shall govern the implementation and administration of the approved testing program, as well as procedures for conducting contested case hearings.~~

**R 28.4164 Contested cases; compliance conferences and hearings. Rescinded.**

~~Rule 14. (1) Compliance conferences and administrative hearings in contested cases shall be governed by these rules and by Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.~~

~~(2) The rules of practice as applied in a non jury civil case in circuit court shall be followed as far as practicable, but shall not be mandatory in a contested case.~~

**R 28.4165 Complaint. Rescinded.**

~~Rule 15. A complaint on a council policy or procedure shall be in writing, signed by the person making it, and filed with the council. A complaint is not open to public inspection until its validity is ascertained.~~

**R 28.4166 Violations of act; investigations; complaints. Rescinded.**

~~Rule 16. The council or the executive secretary may authorize investigations and may issue complaints and schedule hearings for apparent violations of the act.~~

**R 28.4167 Issuance of ex parte order denying right or privilege. Rescinded.**

~~Rule 17. (1) After an investigation of a complaint has been conducted, the council or executive secretary may issue an ex parte order denying a right or privilege granted by the act based upon the findings of the investigation. Thereafter, contested proceedings shall be promptly commenced and decided.~~

~~(2) The taking of emergency action shall not affect the impartiality of the council in its receipt and consideration of the evidence.~~

**R 28.4168 Contested cases; appointment of hearing officer; chief hearing officer. Rescinded.**

~~Rule 18. (1) The council chairperson shall appoint a person or persons to be a hearing officer.~~

~~(2) When 2 or more persons are appointed as hearing officers for a contested case, the council chairperson shall designate a chief hearing officer.~~

**R 28.4169 Contested cases; notice of hearing. Rescinded.**

~~Rule 19. (1) Notice of a contested case hearing shall be given by personal service, registered mail, or such other method as may be permitted by law.~~

~~(2) Notice of a hearing shall be served not less than 20 days before the hearing.~~

~~R 28.4170 Contested cases; answers and amendments. **Rescinded.**~~

~~Rule 20. (1) A respondent in a contested case shall file an answer to the complaint not less than 10 days before the hearing. This requirement may be waived by the council or executive secretary for good cause.~~

~~(2) A complaint may be amended at any time. The respondent shall be given sufficient time to prepare a defense if the charges are amended substantially.~~

~~R 28.4171 Contested cases; appearances at hearing. **Rescinded.**~~

~~Rule 21. (1) An appearance at a contested case hearing shall be made in person, by a duly authorized agent, or by counsel.~~

~~(2) If the person or persons who have been served with a notice of hearing fail to appear at the hearing, the council may proceed with the hearing on the evidence presented and make a decision.~~

~~R 28.4172 Contested cases; adjournment or continuance of hearing. **Rescinded.**~~

~~Rule 22. A contested case hearing may be adjourned or continued at the direction of the chief hearing officer. A request for an adjournment shall be in writing and filed with the council not less than 5 days before the date of the hearing, unless good cause can be shown for failure to file within the 5-day limit. Notice of action on the request for adjournment shall be given to the parties.~~

~~R 28.4173 Contested cases; stipulations. **Rescinded.**~~

~~Rule 23. The parties to any contested case hearing before the council may, by stipulation in writing filed with the council, agree upon the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence on the hearing. Parties are requested to agree upon the facts when practicable.~~

~~R 28.4174 Contested cases; depositions. **Rescinded.**~~

~~Rule 24. Depositions in contested case proceedings shall only be taken upon written authority of the hearing officer when it appears that it is impractical or impossible to otherwise obtain the evidence. Where depositions are permitted, they shall be taken according to the Michigan rules of court for taking depositions in civil cases in the state of Michigan, being rule 2.304 et seq., and all parties shall be given an opportunity to cross-examine the deponent under oath.~~

~~R 28.4175 Contested cases; decision. **Rescinded.**~~

~~Rule 25. The contested case decision of the hearing officer is final. The respondent shall be notified in writing of the officer's decision within 14 days after the close of the hearing. The notice shall include the findings of fact and the conclusions based on the law.~~

~~R 28.4199 Rescission. **Rescinded.**~~

~~Rule 26. R 28.4201 to R 28.4206 of the Michigan Administrative Code appearing on pages 1 and 2 of the 1980 annual supplement to the 1979 Michigan administrative code, are rescinded.~~

## PART 1. DEFINITIONS

### **R 28.14101 Definitions; A to D.**

**Rule 101.** As used in these rules:

- (a) "Act" means 1965 PA 203, MCL 28.601.
- (b) "Activate as a licensed law enforcement officer" means a recognized law enforcement agency complies with all of the requirements in R 28.14204.
- (c) "Applicant" means a person seeking employment as a licensed law enforcement officer empowered to enforce all of the general criminal laws of this state.
- (d) "Approved law enforcement training" means recruit or in-service law enforcement training conducted under the authority of either 1965 PA 203, MCL 28.601 et seq., or 1982 PA 302, MCL 18.421 et seq.
- (e) "Basic law enforcement training academy" means a city, county, township, village, corporation, college, community college, university, or state agency that is approved by the commission to offer the basic law enforcement training program.
- (f) "Basic law enforcement training program" means the entire commission approved process by which a person is screened, trained, and qualified for activation as a law enforcement officer.
- (g) "Commission" means the 15 member Michigan commission on law enforcement standards or, by express delegation, its executive director and staff.
- (h) "Contested case" means the same as the term is defined in section 3 of the Administrative Procedures Act of 1969, MCL 24.203.
- (i) "Course of study" means the total instruction that a basic law enforcement training academy is approved to offer a recruit before qualifying the recruit for licensing.

### **R 28.14102 Definitions; E to L.**

**Rule 102.** As used in these rules:

- (a) "Employed recruit" means a law enforcement officer candidate who is employed by a recognized law enforcement agency and who is enrolled in an approved basic law enforcement training academy for the purpose of training in order to become eligible to be licensed as a law enforcement officer employed by the law enforcement agency.
- (b) "Employing agency" means police departments, sheriff offices, the Michigan department of state police, or any law enforcement agency authorized and established pursuant to state statute.
- (c) "Employment" means performing a service or labor as a law enforcement officer to a recognized law enforcement agency in exchange for monetary compensation at not less than the federal minimum wage established in the Fair Labor Standards Act of 1938, as amended; 29 U.S.C. §206.
- (d) "Fully empowered law enforcement officer" means a law enforcement officer employed by a recognized law enforcement agency, who has full authority to enforce the general criminal laws of this state conferred by a sworn oath of office, and who is licensed by the commission.

(e) "General criminal laws" means laws that classify an action as a misdemeanor or felony punishable by fine or imprisonment and have general applicability as opposed to regulation of a particular class.

(f) "Law enforcement agency" or "agency" means an entity authorized and established pursuant to a state statute that conveys police authority of the state of Michigan to the entity. Police authority includes the responsibility for the prevention and detection of crime and the enforcement of the general criminal laws.

(g) "License" means the numbered certificate issued by the commission to a person who has received certification as a law enforcement officer under the act, as provided in MCL 28.602.

(h) "Licensing examination" means the examination administered by the commission at the completion of the basic law enforcement training academy and the recognition of prior basic law enforcement training and experience program to determine whether a person has attained the minimum competencies required for licensing.

#### **R 28.14103 Definitions; M to Z.**

**Rule 103.** As used in these rules:

(a) "MCOLES" means the Michigan commission on law enforcement standards.

(b) "MCOLES information and tracking network" means the commission's web-enabled information system for the licensing, reporting, and tracking of personnel and training records for Michigan law enforcement officers.

(c) "Preservice recruit" means a person who complies with the requirements of R 28.14315 and enrolls at his or her own expense in an approved regional basic law enforcement training academy and who is not employed by a law enforcement agency.

(d) "Preservice college recruit" means a person who is enrolled in a preservice college basic law enforcement training academy.

(e) "Recognized law enforcement agency" means a law enforcement agency, as verified by the commission, that may activate a person as a law enforcement officer under the act.

(f) "Recruit" means a student or trainee who is enrolled in a basic law enforcement training academy.

(2) The terms defined in the act have the same meanings when used in these rules.

## **PART 2. SELECTION AND EMPLOYMENT STANDARDS**

#### **R 28.14201 Definitions.**

**Rule 201.** As used in this part:

(a) "Licensing examination" means the mandated examination administered by the commission after the completion of the mandated basic recruit law enforcement training or the recognition of prior law enforcement training and experience program to determine competence required to practice law enforcement and developed in conformance with the following:

(i) The standards of the Society for Industrial and Organizational Psychology, Inc. that are in the publication entitled "Principles for Validation and Use of Personnel Selection Procedures," (3<sup>rd</sup> ed., 1987). Copies of these standards may be purchased from the Society for Industrial and Organization Psychology, Inc, P.O. Box 87, Bowling Green, Ohio 43402 at a cost, as of the time of adoption of these rules, of \$7.50 each.

(ii) The standards of the American educational research association, the American psychological association, and the national council on measurement in education that are in the publication entitled "Standards for Educational and Psychological Testing" (1999). Copies of these standards may be purchased from Test Standards, P.O. Box 465, Hanover, Pennsylvania 17331, at a cost, as of the time of adoption of these rules, of \$31.95 each.

(iii) The standards of the equal employment opportunity commission that are in the publication entitled "Uniform Guidelines on Employee Selection Procedures" (1978). These standards are found at CFR, title 41, chapter 60, part 60-3 and may be viewed and printed free of charge at the U. S. department of labor web site, [www.dol.gov](http://www.dol.gov).

(b) "Reading and writing examination" means a job-related reading comprehension and writing skills examination developed in conformance with the standards cited in (a) (ii) and (iii) in subrule (a) of this rule.

#### **R 28.14202 Adoption by reference**

**Rule 202.** (1) The standards cited in this rule are adopted by reference and are available for inspection at the commission offices, 7426 North Canal Road, Lansing, Michigan.

(a) The standards of the Society for Industrial and Organizational Psychology, Inc. that are in the publication entitled "Principles for Validation and Use of Personnel Selection Procedures," (3<sup>rd</sup> ed., 1987). Copies of these standards may be purchased from the Society for Industrial and Organization Psychology, Inc, P.O. Box 87, Bowling Green, Ohio 43402 at a cost, as of the time of adoption of these rules, of \$7.50 each.

(b) The standards of the American educational research association, the American psychological association, and the national council on measurement in education that are in the publication entitled "Standards for Educational and Psychological Testing" (1999). Copies of these standards may be purchased from Test Standards, P.O. Box 465, Hanover, Pennsylvania 17331, at a cost, as of the time of adoption of these rules, of \$31.95 each.

(c) The standards of the equal employment opportunity commission that are in the publication entitled "Uniform Guidelines on Employee Selection Procedures" (1978). These standards are found at CFR, title 41, chapter 60, part 60-3 and may be viewed and printed free of charge at the U. S. department of labor web site, [www.dol.gov](http://www.dol.gov).

#### **R 28.14203 Non-medical selection qualifications.**

**Rule 203.** A person selected to become a law enforcement officer under the act shall meet all of the following requirements:

(a) Be a citizen of the United States.

(b) Have attained the minimum age as established by the employing agency, which shall not be less than 18 years of age or as otherwise provided by law.



(c) Have earned a high school diploma or have attained a passing score on the general education development test indicating a high school graduation level. Attainment of an associate or baccalaureate degree shall be evidence of having met this standard.

(d) Have no prior felony convictions, or felony expungements and set asides.

(e) Possess good moral character as determined by a favorable comprehensive background investigation covering school and employment records, home environment, and personal traits and integrity. Consideration shall be given to a history of, and the circumstances pertaining to, having been a respondent to a restraining or personal protection order. Consideration shall also be given to all law violations, including traffic and conservation law convictions, as indicating a lack of good moral character.

(f) Possess a valid motor vehicle operator's or chauffeur's license from 1 of the 50 states, the district of Columbia, a possession or territory of the United States, or Canada. Michigan driving privileges shall not be in a state of suspension, revocation, or denial at the time of entry into an academy or activation as a law enforcement officer.

(g) Read and write at a level necessary to perform the job of a law enforcement officer as determined by passing the commission's reading and writing examination designed to test these skills or by passing an agency-certified examination as specified in R 28.14208(c). The provisions of this subdivision do not apply to any of the following persons:

(i) Any person licensed under the act.

(ii) Any person qualifying for the recognition of prior basic law enforcement training and experience program under R 28.14403 to R 28.14406.

(h) Test negative for the illicit use of controlled substances under the following conditions:

(i) The process used to detect the presence of a controlled substance and the laboratory used to conduct the test shall be approved by the commission.

(ii) An applicant who tests positive, refuses to submit to a test, or fails to report for a test, shall not be eligible for training or licensing for 2 years after a positive test or the refusal to submit to the test. An applicant who tests positive may request an opportunity to show cause to the commission why the test results were not indicative of an illicit use of a controlled substance.

(i) Successfully complete the basic law enforcement course of study at a commission approved academy.

(j) Take and attain a passing score on the commission's licensing examination within 1 year of the completion of training. In the event of failure on the examination, 1 retest shall be allowed within the same 1-year period. Failure on the retest shall result in the need to repeat and successfully complete the basic course of study to again be eligible to take the licensing examination.

(k) If the commission denies a license, entry into a training program, or entry into the recognition of prior basic law enforcement training and experience program for cause, then that person is not eligible to reapply for 2 years, unless provided otherwise in these rules.

(l) The commission may establish time frames during which compliance with a standard in this rule by an applicant shall be valid.

**R 28.14204 Medical selection qualifications.**

**Rule 204.** A person selected to become a law enforcement officer pursuant to the provisions of the act shall meet all of the medical requirements in subdivisions (a) to (e) of this rule. A determination of compliance with the medical standards in this rule shall be made by a licensed, with the exception that a determination of compliance with subdivisions (a), (b), (c) and (e)(iii) of this rule shall be made as provided in each of the following:

(a) Possess normal visual functions at a level necessary to perform the job of a law enforcement officer as determined by complying with the provisions of this subdivision. All vision testing shall comply with the test manufacturer's specifications and protocols. The following determinations of compliance with this standard may be made by a licensed optometrist.

(i) Far visual acuity complying with 1 of the following:

(A) Acuity in each eye uncorrected of 20/20 or better.

(B) Acuity in each eye corrected to 20/20 or better.

(ii) Near visual acuity at a range of 10 to 20 inches complying with 1 of the following:

(A) Acuity in each eye uncorrected of 20/20 or better, reduced Snellen equivalent.

(B) Acuity in each eye corrected to 20/20, reduced Snellen equivalent.

(iii) Normal color vision as determined by testing and passing either of the following 2 color vision tests. The use of refractive correction is permitted; however, the use of an x-chrom lens, or any other lens purported to enhance color perception, is prohibited.

(A) Pseudoisochromatic plates that have been approved by the commission.

(B) The Farnsworth dichotomous d-15 panel test.

(iv) The pseudoisochromatic plates shall be administered first, before the panel test. If an applicant passes the plates, no further color vision testing is required.

(v) Peripheral vision in each eye of 90° vertically and 120° horizontally.

(vi) Normal binocular vision as determined by testing and passing a stereopsis test to 80 seconds of stereoacuity, or better. Failure on the stereopsis test requires further testing to determine that diplopia is not present.

(b) Hear at a level necessary to perform the job of a law enforcement officer as determined by complying with subdivision (c) of this subrule. Throughout the testing specified in subdivision (c) of this subrule, the intensity of auditory stimuli shall be expressed in decibels relative to a normal hearing level as defined by the American national standards institute (ANSI) S3.6-1996, or more current ANSI standard. This standard is adopted by reference and is available from the acoustical society of America at [www.asa.aip.org](http://www.asa.aip.org) for purchase at the time of the adoption of these rules at \$100 and are available for inspection at the commission offices at 7426 North Canal Road, Lansing, Michigan. The testing shall be performed by the following persons, as applicable:

(i) An audiologist at a hearing clinic accredited by the professional services board of the American speech-language-hearing association may do all testing in R 28.14203(c).

(ii) An audiologist who has a certificate of clinical competence from the American speech-language-hearing association or an audiologist who holds fellowship status in the American academy of audiology may do all of the testing in R 28.14203(c). The audiologist shall be licensed, if applicable.

(iii) A hearing conservationist certified by the council for accreditation in occupational hearing shall do only the testing in R 28.14203(c)(i).

(iv) A hearing aid specialist licensed by the Michigan department of labor and economic growth shall do only the testing in R 28.14203(c)(i).

(c) Comply with 1 of the following standards: Testing shall be done in the order listed. If an applicant passes 1 of the standards, then further testing is not required.

(i) Unaided audiometric testing on each ear that results in pure tone air conduction thresholds for each ear, as shown on the pure tone audiogram, of not poorer than a hearing level of 25 decibels at any of the following frequencies: 500, 1,000, 2,000, and 3,000 Hertz; and 45 decibels at 4,000 Hertz.

(ii) Unaided audiometric testing on each ear that results in all of the following:

(A) An unaided 4-frequency average pure tone threshold for each ear, as derived from the pure tone air conduction audiogram at 500, 1,000, 2,000, and 3,000 Hertz, of not poorer than a hearing level of 25 decibels, and a hearing threshold level at any single frequency of not poorer than 35 decibels.

(B) Unaided speech recognition scores of 90% or better in each ear, measured under audiometric earphones at 50 decibels in quiet, and using full lists of recorded phonetically balanced words that are age-appropriate.

(C) An unaided speech recognition score of 70% or better, measured for both ears at the same time in an audiometric sound field at a plus 5 decibel signal-to-noise ratio. For this measurement, speech stimuli and competing speech noise shall be presented through the same loudspeaker, or 2 loudspeakers stacked vertically, at zero degree azimuth. Speech stimuli shall be presented at 50 decibels using a full list of recorded phonetically balanced words that are age-appropriate.

(iii) Audiometric testing with 1 or both ears aided that results in all of the following:

(A) An aided 4-frequency average threshold for each ear, as derived from the sound field aided audiogram at 500, 1,000, 2,000, and 3,000 Hertz of not poorer than a hearing level of 25 decibels, and a hearing threshold level at any single frequency of not poorer than 35 decibels. Measurements shall be made monaurally in an audiometric sound field with the unaided (non-test) ear plugged or, when necessary, effectively masked. Test signals shall consist of either frequency-specific modulated tones or narrow band noise presented through a loudspeaker at zero degree azimuth, and results shall be expressed as aided hearing levels.

(B) Aided speech recognition scores of 90% or better in each ear measured at 50 decibels in quiet, and using full lists of recorded phonetically balanced words that are age appropriate. Measurements shall be made monaurally in an audiometric sound field with the loudspeaker at zero degree azimuth and the unaided (non-test) ear plugged or, when necessary, effectively masked.

(C) An aided speech recognition score of 70% or better, measured for both ears at the same time in an audiometric sound field at a plus 5 decibel signal-to-noise ratio. For this measurement, either 1 or both ears shall be fitted with a hearing aid, and, where only 1 ear has been fitted with a hearing aid, the unaided ear shall not be plugged or masked. For this measurement, speech stimuli and competing speech noise shall be presented through the same loudspeaker, or 2 loudspeakers stacked vertically, at zero degree azimuth. Speech stimuli shall be presented at 50 decibels using a full list of recorded phonetically balanced words that are age-appropriate.

(d) Comply with all of the following requirements:

(i) Be free from any other impediment of the senses.

- (ii) Be physically sound.
- (iii) Be in possession of his or her extremities.
- (iv) Be well developed physically.
- (v) Have height and weight in relation to each other as indicated by achieving an acceptable score on the body mass index, as approved by the commission, or by passing the commission's preenrollment physical fitness test or a medical equivalent protocol approved by the commission.
- (e) Be free from any of the following, which may impair the performance of the essential job functions of a law enforcement officer or which may endanger the lives of others or the law enforcement officer:
  - (i) Physical defects.
  - (ii) Chronic diseases.
  - (iii) Mental and emotional instabilities. The commission permits and may require the determination of compliance with this requirement be made by a board certified psychiatrist or a licensed psychologist.
- (f) The commission may establish specific tests, procedures, and qualifications for use in determining compliance with the medical standards in R 28.14203 (a) to (e).
- (g) If an initial examination indicates that a person may not comply with R 28.14203 (a) to (e), then the person may request a reexamination. The reexamination shall be done at the direction of the commission. The cost of the reexamination shall be the responsibility of the person or the employing agency.
- (h) Except where specified otherwise, the results of any examination or test performed under this rule shall remain valid for not more than 180 days from the date of the examination.
- (i) The commission may, after giving due consideration to the needs of agencies, academies, and potential recruits, establish and require the utilization of a list of approved health care providers to make a determination of compliance with this rule.
- (j) The commission may establish time frames during which compliance with this rule shall be valid.

**R 28.14205 Employing agency responsibilities; activation.**

**Rule 205.** To activate an applicant, an employing agency shall do all of the following in the order listed:

- (a) Submit to the commission for approval the compliance information specified in R 28.14206 or R 28.14207, as applicable, using the MCOLES information and tracking network.
- (b) After receiving notice from the commission that compliance with the standards has been verified, employ and confer the authority to independently enforce all of the general criminal laws of this state on the officer as evidenced by an oath of office.
- (c) Sign and mail to the commission the license activation report, which documents the conference of authority, the standards compliance verification affidavit printed from the MCOLES information and tracking network, and the applicant background affidavit.

**R 28.14206 Employing agency responsibilities; employed recruits.**

**Rule 206. (1) Before sending a person to a basic law enforcement training academy, the employing agency shall do all of the following:**

(a) Cause the applicant to complete a release of information statement for purposes of law enforcement licensing.

(b) Cause the applicant to complete the applicant background affidavit.

(c) Cause the applicant to be examined to determine that the applicant meets the medical standards in R 28.14204. A declaration of the applicant's medical history shall be made available to the examining physician and shall become a part of the background investigation.

(d) Cause the applicant to be fingerprinted and a search to be made of appropriate state and federal fingerprint files to disclose any criminal record within 180 days before the date of enrollment.

(e) Conduct an oral interview to determine the applicant's suitability for a law enforcement officer position and to assess appearance, background, and the ability to communicate.

(f) Screen the applicant for compliance with the selection and employment standards in R 28.14203 (a) to (h).

(g) Execute the standards compliance verification affidavit.

(2) The employing agency shall comply with both of the following while a recruit is enrolled in basic law enforcement training:

(a) Pay the enrollment cost for the recruit to the academy.

(b) Pay the employed recruit at least the federal minimum wage during the academy for all hours worked.

(3) During the course of the academy or while employed, the recruit shall not be required, or allowed, to repay the employer for any costs related to attendance at the academy. Further, no prepayment to the employer shall be required, or allowed, for any costs related to attendance at the academy.

(4) If the employed recruit successfully completes the academy and passes the licensing examination, then the employed recruit shall be immediately activated as a law enforcement officer, as provided in R 28.14205, before working as a law enforcement officer.

(5) The employing agency shall be the only agency eligible to activate an employed recruit.

(6) With respect to subrules (3) and (4) of this rule, for good cause the MCOLES executive director may approve a delayed activation as a law enforcement officer or activation by an agency other than the original employing agency. Good cause may include financial hardship and planned or unplanned employment vacancies.

**R 28.14207 Employing agency responsibilities; preservice and preservice college recruits.**

**Rule 207. Before permitting a preservice or preservice college recruit to work as a law enforcement officer, the employing agency shall do all of the following:**

(a) Require the applicant to complete a release of information statement for purposes of law enforcement licensing.

(b) Screen the applicant for compliance with the selection and employment standards in R 28.14203 (a) to (h).

- (c) Execute the standards compliance verification affidavit.
- (d) Verify that the recruit successfully completed a commission approved basic law enforcement course of study and passed the licensing examination.
- (e) Verify that the recruit is within the timelines of R 28.14315 or has successfully completed the recognition of prior basic law enforcement training and experience program.
- (f) Require the applicant to be examined to determine that the applicant meets the medical standards in R 28.14204. A declaration of the applicant's medical history shall be made available to the examining physician and shall become a part of the background investigation.
- (g) Require the applicant to be fingerprinted and a search to be made of appropriate state and federal fingerprint files to disclose any criminal record within 180 days before the date of employment.
- (h) Conduct an oral interview to determine the applicant's suitability for a law enforcement officer position and to assess appearance, background, and the ability to communicate.
- (i) Activate the recruit as a law enforcement officer by complying with R 28.14205.

**R 28.14208 Practices and standards.**

**Rule 208.** Recruitment and employment practices and standards shall comply with the law applicable to law enforcement officer employment.

**R 28.14209 Commission approved testing and test results.**

**Rule 209.** All of the following apply to the testing specified in R 28.14203(g):

- (a) The commission's reading and writing examination shall be administered only at approved locations under the supervision of and in a manner prescribed by the commission.
- (b) Test results shall be maintained in the commission's information system and shall be available to the test taker and prospective employing agencies.
- (c) A governmental agency, or its agent, may administer a reading and writing examination in lieu of the commission's examination if the agency certifies, in writing to the commission, that the examination is in compliance with the definition of "reading and writing examination" in R 28.14201. The commission may request that additional written documentation be submitted by a governmental agency, or its agent, to establish that the examination or examinations are in compliance with R 28.14201. The results of the examination(s) shall serve to satisfy the requirements of R 28.14203 and shall apply only to an applicant who seeks employment with the governmental agency giving the examination.

**R 28.14210 Minimum in-service law enforcement training standards; establishment by the commission.**

**Rule 210.** The commission, with due consideration to varying factors and special requirements of local law enforcement agencies, may establish, maintain, and update minimum standards for in-service law enforcement training for commission licensed law enforcement officers in the policy and procedures manual published pursuant to R 28.14211.

**R 28.14211 Publication of policies and procedures manual.**

**Rule 211.** The commission shall prepare and publish a policies and procedures manual which is consistent with the act and these rules and which shall govern the implementation and administration of the programs described in these rules.

**PART 4. RECOGNITION OF PRIOR BASIC LAW ENFORCEMENT TRAINING AND EXPERIENCE**

**R 28.14401 Definitions.**

**Rule 401.** As used in this part:

- (a) "Approved in-service law enforcement training provider" means a training provider who delivers commission approved in-service law enforcement training.
- (b) "Post agency" means the state peace officer standards and training agency or agencies, in a state other than Michigan, that is authorized by that state's laws to establish training and employment rules for the certification or licensing of law enforcement officers in that state.
- (c) "Program" means both the curriculum component and the written and skill performance examinations component of the recognition of prior basic law enforcement training and experience program.

**R 28.14402 Recognition of prior training and experience program; basic program eligibility.**

**Rule 402.** A person enrolling in the recognition of prior basic law enforcement training and experience program shall submit a complete application for enrollment to the commission before consideration for acceptance into the program.

**R 28.14403 Recognition of prior training and experience program; former Michigan officer candidate qualifications.**

**Rule 403.** A person who was previously certified or licensed as a law enforcement officer in Michigan shall meet all of the following requirements for admission to the program:

- (a) Discontinuance in employment with full empowerment as a licensed Michigan law enforcement officer for a period of time in excess of that provided for in section 9(2) of the act, being MCL 28.609(2).
- (b) Reasonably expect to meet the selection and employment requirements of R 28.14202(a) to (j), except for (g) and (i), and R 28.14203.
- (c) The separation from employment as a law enforcement officer shall have been under such conditions that qualify the candidate for employment in Michigan as a law enforcement officer.

**R 28.14404 Recognition of prior training and experience program; non-Michigan officer candidate qualifications.**

**Rule 404.** A person who is or was previously certified or licensed as a law enforcement officer by a post agency in another state shall meet all of the following requirements for admission to the program:

- (a) Have completed a post agency basic law enforcement training program recognized by the commission or have been employed as a law enforcement officer before the establishment of training standards in that state.
- (b) Have been employed as a law enforcement officer empowered to enforce all of the general criminal laws in that state and have acted in that capacity for a minimum of 2080 hours following the date of certification or licensing.
- (c) Reasonably expect to meet the current selection and employment standards of R 28.14202(a) to (j), except for (g) and (i), and R 28.14203.
- (d) If not currently employed as a law enforcement officer, the separation from employment as a law enforcement officer shall have been under such conditions that qualify the candidate for employment in Michigan as a law enforcement officer.

**R 28.14405** Recognition of prior training and experience program; Michigan Indian tribal law enforcement officer candidate qualifications.

**Rule 405.** A person who intends to participate in the recognition of prior basic law enforcement training and experience program by virtue of employment as a Michigan Indian tribal law enforcement officer shall comply with all of the following:

- (a) Have successfully completed a basic law enforcement training program recognized by a post agency in another state, or a federally operated police training school that was sufficient to fulfill the minimum standards required by federal law to be appointed as a law enforcement officer of a Michigan Indian tribal police force.
- (b) Be currently employed or have been employed as a law enforcement officer of a Michigan Indian tribal police force for not less than 1 year and empowered to enforce the criminal laws and have acted in that capacity following the date of appointment.
- (c) Reasonably expect to meet the current selection and employment standards of R 28.14202(a) to (j), except (g) and (i), and R 28.14203.

If not currently employed as a law enforcement officer, the separation from employment as a law enforcement officer shall have been under such conditions that qualify the candidate for employment in Michigan as a law enforcement officer.

**R 28.14406** Recognition of prior training and experience program; preservice recruit candidate qualifications.

**Rule 406.** A person who intends to participate in the recognition of prior basic law enforcement training and experience program by virtue of having been previously eligible for licensing, based on compliance with the preservice recruit requirements in these rules, shall reasonably expect to meet the current selection and employment standards in R 28.14202 and R 28.14203 upon employment as a law enforcement officer.

**R 28.14407** Completion requirements; time limits; extension.

**Rule 407.** (1) A candidate authorized to attend the recognition of prior basic law enforcement training and experience program shall start those components of the program required of the candidate within 3 months of receiving approval to enroll.



Failure by a candidate to comply with this requirement shall require the candidate to reapply for admission to the program.

(2) Upon enrollment, the candidate shall execute the commission's affidavit of compliance with applicant background and eligibility requirements.

(3) For good cause, the commission may waive the time requirements and grant one 3-month extension on an approved application.

(4) A candidate who does not complete the program within 3 months of the start of the program shall be required to reapply for admission to the program, except as provided in R 28.14410(5).

**R 28.14408 Recognition of prior training and experience program; hours; content, scope, and requirements; modification.**

**Rule 408.** (1) The recognition of prior basic law enforcement training and experience program curriculum component content shall be set by the commission.

(2) The commission shall establish requirements for the curriculum component of the program with respect to all of the following:

(a) Criteria and qualification for exemption from various parts of the curriculum component, with due consideration for all of the following:

- (i) Previous training and experience.
- (ii) The position for which employment is sought.
- (iii) Attendance and participation.
- (iv) Testing and testing standards.

(3) The commission may modify the content and scope of the curriculum component. The requirements for the curriculum component shall be published in the policies and procedure manual, published pursuant to R 28.14210.

**R 28.14409 Demonstrate competence on licensing and performance examinations.**

**Rule 409.** (1) The licensing examination shall be administered by the commission to determine that a candidate possesses minimum competencies required for licensing only after the candidate has successfully completed all assessments and requirements.

(2) Performance examinations may be administered by the commission to assess a candidate's competence in skill areas.

(3) Competence shall be demonstrated on each examination to successfully complete the recognition of prior basic law enforcement training and experience program.

(4) Administration of a skill performance examination shall conform to the procedures used in the recruit training program as specified in the policies and procedures manual published pursuant to R 28.14210.

(5) The commission may establish requirements for exemption from various skill performance examinations, with due consideration for both of the following:

- (i) Previous training and experience.
- (ii) The position for which employment is sought.

**R 28.14410 Examination protocols; first assessment; second assessment; failure.**

**Rule 410.** (1) A person in the recognition of training and experience program who fails the first assessment of the licensing examination is eligible for a second assessment within the time limits provided in R 28.14407.

(2) A person who fails the first assessment of a performance examination in a skill area is eligible for a second assessment in a failed skill area within the time limits provided in R 28.14407.

(3) A second assessment on the licensing examination or in a skill area shall be at the expense of the applicant.

(4) A person who fails a second assessment on the licensing examination or fails 2 or more skill areas shall enroll in and successfully complete the Michigan basic law enforcement training program to be employed and activated as a law enforcement officer.

(3) A person who fails a second assessment in not more than 1 skill area may, at that person's option, do one of the following to complete the requirements of the failed skill area:

(a) Apply for enrollment and be accepted in a regular basic training session at a Michigan basic police training academy for training and testing in the failed skill area. An academy may decline an enrollment request. Comply with the following:

(i) The costs related to enrollment in an academy shall be at the expense of the applicant or the employer.

(ii) Comply with all of the academy and commission enrollment requirements.

(iii) Comply with and successfully complete all of the academy attendance, participation, and testing requirements in the failed skill area.

(b) Apply for enrollment and be accepted in a commission approved law enforcement training program for the failed skill area and comply with the following:

(i) The costs related to enrollment in the approved program shall be at the expense of the applicant or the employer.

(ii) Comply with all of the program enrollment requirements.

(iii) Comply with and successfully complete all of the program attendance, participation, and testing requirements.

(6) The results of the training shall be reported to the commission in the manner and form prescribed by the commission.

(7) Following the receipt of the results of the training by the commission, the person shall apply to, be accepted in, and complete the skill area assessment in the recognition of prior basic law enforcement training and experience program. A second failure in the skill area shall require that the person enroll in and successfully complete the recognition of prior basic law enforcement training and experience program in order to be eligible to be licensed as a law enforcement officer.

(8) A person shall successfully complete the recognition of prior basic law enforcement training and experience program, including the requirements of this rule, within 1 year of the start of the program.

#### **R 28.14411 Responsibilities of employing agency.**

**Rule 411.** Before permitting a person who has successfully completed the recognition of prior basic law enforcement training and experience program to work as a law enforcement officer, an employing agency shall activate the person as a law enforcement officer under R 28.14204.

**R 28.14412 Request to conduct the recognition of prior training and experience program; minimum instructor qualifications.**

**Rule 412.** (1) An academy approved by the commission to conduct the basic law enforcement training and experience program may apply for approval to conduct the recognition of prior basic law enforcement training and experience program. The commission may solicit additional academies to conduct the program.

(2) The minimum qualifications for instructing in the program are the same as those prescribed for the basic law enforcement training program.

(3) An academy approved to conduct the recognition of prior basic law enforcement training and experience program shall annually submit an operating plan to the commission for approval. The program shall not be run until the operating plan is approved and an operating agreement is in place.

(4) An academy or an approved in-service law enforcement training provider may apply for approval to conduct a recognition of prior basic law enforcement training and experience skill training program. The skill training program shall compress the required skill area training, as provided in R 28.14410, into one condensed block of instruction. The minimum qualifications for instructing in the program are the same as those prescribed for the basic law enforcement training program.

**R 28.14413 Expiration of eligibility for licensing; extension.**

**Rule 413.** (1) Eligibility for activation as a law enforcement officer for a person admitted to the recognition of prior basic law enforcement training and experience program under R 28.14403 to R 28.14406 shall expire 12 months after the completion of the program or the first assessment on the licensing examination, whichever comes first.

(2) For good cause, the executive director may waive the time requirements and grant one 3-month extension.

(3) A person who successfully completes the program, and is activated as a law enforcement officer within the eligibility period, shall be subject to time conditions as provided for in section 9(2) of the act, MCL 28.609(2).

**R 28.14414 Policies and procedures.**

**Rule 414.** The commission shall prepare and publish policies and procedures which are consistent with the rules in this part and which shall govern the implementation and administration of the recognition of prior basic law enforcement training and experience program. The policies and procedures shall be part of the policies and procedures manual published pursuant to R 28.14210.

## **PART 5. LICENSING, REPORTING, AND TRACKING**

**R 28.14501 Definitions.**

**Rule 501.** As used in this part:

(a) "Employment transaction" means any hire or separation of a law enforcement officer from fully empowered employment.

(b) “Non-state statute employing agency” means an agency that does not meet the definition of a law enforcement agency in R 28.14102(f), but employs one or more persons who meet the definition of a “police officer” or “law enforcement officer” as provided in MCL 28.602(l), other than MCL 28.602(l)(i).

(c) “Separation from law enforcement authority” means a discontinuation in employment as a licensed law enforcement officer, including a change in fully sworn status, or removal of full empowerment, if the separation exceeds the time frames specified in the act, MCL 28.609(2). A separation from law enforcement authority has occurred if the person is not at work and is unavailable to report for a regular duty shift as a law enforcement officer for a period of time that exceeds the time frames in MCL 28.609(2).

#### **R 28.14502 Employment history record; maintenance.**

**Rule 502.** (1) A recognized law enforcement agency shall maintain an employment history record for each law enforcement officer employed, subject to inspection by the commission. The employment history record shall include all of the following documentation:

- (a) Proof of paid employment.
- (b) Standards compliance documentation, as specified in R 28.14504, if applicable.
- (c) The officer’s license issued by the commission for that agency.
- (d) Proof of conferral of law enforcement authority.
- (e) Proof of separation from law enforcement authority, if applicable.
- (f) Proof of reinstatement of law enforcement authority, if applicable.
- (g) Proof of separation from employment, if applicable.

(2) The documents in the employment history record shall be maintained for either of the following, whichever is longer:

- (a) Thirty years from the date of creation of the document, with the exception provided in R 28.14504(f), even if the officer separates from employment with the agency or becomes deceased.
- (b) As long as the officer is employed plus 5 years.

#### **R 28.14503 MCOLES information and tracking network; maintenance of employment history record.**

**Rule 503.** (1) A recognized law enforcement agency shall report an employment history record for each fully empowered law enforcement officer employed by the agency using the MCOLES information and tracking network.

(2) For purposes of the MCOLES information and tracking network and these rules, a non-state statute employing agency shall be verified by the commission as a recognized law enforcement agency.

(3) With respect to the following, the agency shall verify existing information in the MCOLES information and tracking network or submit compliance documentation for information verified independently by the agency:

- (a) Successful completion of basic law enforcement officer training.
- (b) Screening for compliance with the employment standards in R 28.14203, R 28.14204, R 28.14206 and R 28.14207. Exceptions and comments made by the person or

persons conducting the screening shall be entered into the MCOLES information and tracking network record.

- (c) Initial law enforcement officer license activation.
- (d) Agency employment transactions.
- (e) Commission mandated in-service law enforcement training.
- (4) With respect to the following, the agency shall verify existing information in the MCOLES information and tracking network or submit compliance documentation for information verified independently by the agency, if applicable:
  - (a) Recognition of prior law enforcement officer basic training.
  - (b) Reactivation of the Michigan law enforcement officer license.
  - (c) Separation from law enforcement authority.
  - (d) A violation of MCL 28.609b.
- (5) The agency may submit all of the following, if applicable:
  - (a) Specialties and endorsements recognized by the commission that may be appended to a law enforcement officer's license.
  - (b) Non-mandated in-service law enforcement training.
  - (c) Out-of-state law enforcement in-service licenses and/or certifications.
  - (6) The agency shall annually verify its roster of commission licensed law enforcement officers consistent with R 28.14511.

**R 28.14504 Standards compliance documentation; maintenance.**

**Rule 504.** An agency employing and activating a person, for initial licensing or licensing pursuant to the recognition of prior basic law enforcement training and experience program, being R 28.14401, shall maintain all of the following documentation:

- (a) A copy of the authorization for release of information for license activation form signed by the person.
- (b) A copy of the position description for the position into which the officer was hired and sworn.
- (c) Proof of conferral of authority, such as an oath of office, showing the name of the officer and the date on which the person became a fully empowered law enforcement officer.
- (d) The commission application for licensing completed by the agency to document that the applicant met the selection and employment standards in R 28.14203.
- (e) A copy of the required state and federal fingerprint search results.
- (f) A copy of the required background investigation, which shall be maintained for not less than 5 years.
- (g) A copy of the required drug screen report.
- (h) Proof of compliance with the education requirements.
- (i) Proof of United States citizenship.
- (j) A copy of the officer's operator's or chauffeur's license valid at the time of license activation.

**R 28.14505 Document retention; academies.**

**Rule 505.** (1) An academy shall retain standards compliance documentation for preservice and preservice college recruits for 3 years following the completion of training or until the recruit is licensed as a law enforcement officer, whichever is longer.

(2) An academy shall retain both collective and individual basic training academy session documents, except for those records forwarded to the commission, for 30 years from the date of creation of the document.

(3) An academy approved to conduct the recognition of prior basic law enforcement training and experience program shall retain documentation of standards compliance by participants for 3 years and collective and individual documentation of attendance and training, not forwarded to the commission, for 30 years.

**R 28.14506 Employment; all applicants.**

**Rule 506.** An agency shall do all of the following when hiring an applicant as a licensed law enforcement officer:

(a) Verify that the person complies with each of the selection and employment standards in R 28.14203 and R 28.14104.

(b) Certify that the person is employed and paid at least a federal minimum wage by the agency as of the date of full empowerment.

(c) Verify that the person has not been convicted of a felony as that term is defined in the act.

(d) Verify that the person has not been convicted of a misdemeanor offense of domestic violence, or is otherwise the subject of a court order, which may make the person ineligible to possess a firearm.

(e) The information in this rule shall be submitted to the commission using the MCOLES information and tracking network.

**R 28.14507 Employment; applicant whose Michigan license has not lapsed.**

**Rule 507.** When employing a person previously licensed as a law enforcement officer in Michigan who is within the time frames in the act, being MCL 28.609(2), an agency shall do all of the following in the order listed:

(a) Verify the applicant's eligibility for licensing through the MCOLES information and tracking network.

(b) Administer the oath of office conferring full law enforcement authority on the applicant.

(c) Place a copy of the law enforcement officer new hire notification, which documents the conferral of law enforcement authority, in the officer's employment history record at the agency.

(d) Report the employment transaction to the commission using the MCOLES information and tracking network within 3 business days.

**R 28.14508 Employment; applicant eligible for licensing.**

**Rule 508.** When employing an applicant eligible for activation as a licensed law enforcement officer, an agency shall do all of the following concerning that person in the order listed:

- (a) Verify eligibility for licensing using the MCOLES information and tracking network.
- (b) Activate the person as a licensed law enforcement officer, as provided in R 28.14205.
- (c) Place a copy of the license activation report, which documents the conferral of law enforcement authority, in the officer's employment history tracking record at the agency.

**R 28.14509 Notice of separation from employment; return of license.**

**Rule 509.** (1) An agency shall report to the commission the separation from employment of a licensed law enforcement officer within 3 business days of separation using the MCOLES information and tracking network.

- (2) The report of separation shall include both of the following:
  - (a) The reason for the separation.
  - (b) The total hours worked by that officer during the calendar year of the separation.
- (3) The agency shall return to the commission the officer's original license that verified employment and licensing with the agency, if such a license was issued to the agency, along with a signed copy of the law enforcement officer separation report. The agency shall collect and forward to the commission the identification card that may have been issued to the officer by the commission.

**R 28.14510 Notice of separation from law enforcement authority.**

**Rule 510.** An agency shall report to the commission the separation from law enforcement authority of a licensed law enforcement officer within 3 business days of knowledge of the separation using the MCOLES information and tracking network. The agency shall make the report when the separation is of an undetermined length or may exceed the time frames specified in the act, being MCL 28.609.

**R 28.14511 Employment roster; annual agency verification.**

**Rule 511.** Each agency shall annually confirm its roster of commission licensed law enforcement officers by doing all of the following:

- (a) Verify that all licensed law enforcement officers employed by the agency are listed on the agency roster in the MCOLES information and tracking network.
- (b) Verify that the current status of each officer is accurate and report the number of paid hours actually worked by each full-time and part-time commission licensed officer during the most recent complete calendar year.
- (c) Submit changes or corrections to the commission using the MCOLES information and tracking network during the annual registration window specified by the commission.

**R 28.14512 In-service law enforcement training; providers; requirement to register; sanctions.**

**Rule 512.** (1) An in-service law enforcement training provider shall do both of the following through the MCOLES information and tracking network:

- (a) Register course offerings with the commission.

(b) Submit a roster of all Michigan licensed law enforcement officers attending a course.

(2) Failure to submit an attendance roster may cause the revocation of the training provider's training course registrations.

**R 28.14513 Identification of instructors.**

**Rule 513.** (1) Each academy shall register each instructor who will be teaching in an approved basic law enforcement training academy and identify the instructor's qualifications.

(2) Each in-service law enforcement training provider shall identify each instructor in a registered in-service course.

(3) Instructors shall be reported using the MCOLES information and tracking network.

**R 28.14514 Security agreement; information security.**

**Rule 514.** (1) Before use of the MCOLES information and tracking network, an agency, academy, or in-service law enforcement training provider shall execute a user agency agreement with the commission.

(2) The user, its operators, and other employees shall comply with the MCOLES security policy and user agency agreement submitted by the user.

(3) The user's agency head shall designate employees as operators through the completion of an operator agreement for each person.

**R 28.14515 Misuse of MCOLES information and tracking network; sanctions.**

**Rule 515.** Any misuse of or access by an unauthorized user of the MCOLES information and tracking network may result in sanctions for both the person and the agency.

**R 28.14516 Transfer of employment history record.**

**Rule 516.** If a recognized law enforcement agency is disbanded, then the commission may transfer the employment history record described in R 28.14502 to another recognized law enforcement agency or to the commission.

## **PART 6. INVESTIGATIONS AND REVOCATIONS**

**R 28.14601 Definitions.**

**Rule 601.** As used in these rules:

(a) "Application process" means the complete process by which a person becomes a commission licensed law enforcement officer.

(b) "Conviction" or "convicted" means a criminal conviction of an offense included in MCL 28.609b by guilty verdict from a judge or jury, plea of guilty, or plea of no contest.



(c) “Materially false statements” means the failure to provide complete and truthful information required in R 28.14204 and R 28.14205 by a person, or on behalf of a person, during the application process to obtain a license or to gain employment as a law enforcement officer.

(d) “Suspension” means the temporary removal of a licensed law enforcement officer’s authority to access the law enforcement information network (LEIN).

(e) “Wrongful disclosure” means the disclosure of information from the law enforcement information network in violation of MCL 28.214.

#### **R 28.14602 Investigation; protocol.**

**Rule 602.** (1) The commission may conduct an investigation, or cause an investigation to be conducted, of an alleged violation of the act, these rules, or a provision of the commission’s policies and procedures, published pursuant to R 28.14211 of these rules, by a law enforcement agency, training academy, instructor, or a person.

(2) The investigation shall be consistent with the provisions of MCL 28.609c and these rules.

(3) The commission shall suspend time limits in these rules for not more than 90 days during the course of an investigation, when the time limits would otherwise expire because of a commission investigation.

#### **R 28.14603 Complaints; sharing complaint information.**

**Rule 603.** (1) The commission shall record all complaints, their status, and their resolution.

(2) The commission shall make available to law enforcement agencies as much information as legally permissible regarding complaints for the purpose of conducting background investigations of law enforcement officer applicants.

#### **R 28.14604 Investigation; license; felony conviction; summary suspension.; revocation**

**Rule 604.** (1) If an investigation discloses that a licensed person was convicted of an offense defined in MCL 28.602(f), an order of summary suspension and notice of intent to revoke shall immediately issue. A hearing shall be conducted under the provisions chapters 4 and 5 of the administrative procedures act of 1969, MCL 24.271 to 24.291, and as provided in part 7 of these rules. A certified copy of the order of conviction shall be evidence of a felony conviction.

(2) If the hearing held under subrule (1) of this rule substantiates that the licensed person was convicted of an offense defined in MCL 602 (f), the commission shall revoke the license of a law enforcement officer.

(3) Upon notification of a final decision of license revocation, the person shall return the license immediately to the commission.

(4) A person who has had a license revoked under this rule shall not be eligible to reapply for a license as long as the felony conviction stands. For the purpose of these rules, set aside or expunged records are considered the same as a conviction.

#### **R 28.14605 Investigation; person with license; fraud or false statement; revocation.**

**Rule 605. (1) If an investigation discloses that a licensed person committed fraud or made materially false statements in obtaining a license, the commission shall issue a complaint containing the allegations against the person and a notice of the intent to revoke the person's license. The notice shall state that the licensed person has 30 days from the date of issuance of the notice to request in writing either of the following:**

**(a) an opportunity to show compliance, or**

**(b) a contested case hearing conducted in accordance with chapters 4 and 5 of the administrative procedures act of 1969, being MCL 24.271 to 24.292, and as provided in part 7 of these rules.**

**(2) If the licensed person fails to request an opportunity to show compliance or a contested case hearing within 30 days of the issuance of the complaint and notice, the failure shall be regarded as an admission to the allegations in the complaint and the executive director shall (may) revoke the license.**

**(3) If a contested case hearing is held and the licensed person is found to have committed fraud or made materially false statements during the application process for a license, the commission shall (may) revoke the person's license as provided in part 7 of these rules,**

**(4) Upon notification of a final decision of license revocation, the person shall return the license immediately to the commission.**

**(5) A person whose license is revoked under this rule shall not be eligible to reapply for a license for 2 years from the date of revocation.**

**(6) A person whose license is revoked under this rule shall include the information related to the revocation in an application for relicensing. The revocation information shall be considered when determining if the person complies with the law enforcement officer selection and employment standards.**

**R 28.14606 Investigation; non-licensed persons; sanctions.**

**Rule 606. (1) If a person is not licensed in Michigan and an investigation discloses that the person committed fraud, made false statements, or failed to disclose requested information during the application process for a license, then the executive director shall determine the appropriate sanction under this rule. The executive director may establish internal procedures necessary to implement this rule. The decision of the executive director shall be final.**

**(2) Sanctions may include, but are not limited to, all of the following:**

**(a) A fixed period of time, not less than 2 years, during which the person shall be ineligible for entry into, or continuation in, the application process.**

**(b) Specific requirements that shall be met before consideration is given for entry into the application process.**

**(c) Denial of entry into the application process.**

**R 28.14607 Disclosure of LEIN information; suspension.**

**Rule 607. Upon written notice by the criminal justice information systems policy council of a determination that a licensed person has wrongfully disclosed information from the law enforcement information network (LEIN), the commission shall suspend the person from the use of information from the LEIN, for a period of time the commission deems appropriate. In making its decision, the commission shall consider**

the propriety of actions taken by the employing law enforcement agency. The commission shall notify the criminal justice information systems policy council, the employing agency, and the local area dispatch of the sanction and direct the agency to impose the sanction. A sanction or sanctions imposed by the commission may run concurrently with a sanction or sanctions imposed by the employing agency.

**R 28.14608 Delegation of power to executive director.**

**Rule 608.** At the discretion of the commission, the executive director may investigate, subpoena, and petition the court as provided in MCL 28.609c.

**R 28.14609 Review of investigations for criminal wrongdoing.**

**Rule 609.** If a commission investigation discloses possible wrongdoing of a criminal nature, then the executive director or his or her designee shall refer the case for possible criminal prosecution to the appropriate county prosecuting attorney or the office of the attorney general.

## **PART 7. CONTESTED CASE HEARINGS**

**R 28.14701 Eligibility for hearing.**

**Rule 701.** A hearing provided for in R 28.14604 and R 28.14605 of part 6 of these rules shall comply with the requirements of the administrative procedures act and these rules.

**R 28.14702 Final decision.**

**Rule 702.** A proposal for decision shall be presented to the full commission at a regularly scheduled meeting following the presiding officer's issuing of a proposal for decision. The commission shall do one of the following:

- (a) Adopt the findings of fact, conclusions of law, and the recommendations of the hearing officer.
- (b) Reverse the hearing officer based upon the record.
- (c) If the record is found to be incomplete, remand the case back to the hearing officer for reconsideration with specific instructions as to the matter in the case to be reconsidered.